

ENTERED

June 28, 2021

Nathan Ochsner, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
GALVESTON DIVISION

WILMINGTON SAVINGS FUND §
SOCIETY, FSB, AS TRUSTEE §
OF STANWICH MORTGAGE §
LOAN TRUST A, §
§
Plaintiff, §
VS. § 3:20-CV-181
§
RUBY YARBROUGH, §
§
Defendant. §

ORDER STAYING CASE

On January 6, 2021, the court entered an order granting the plaintiff's motion for entry of default and for default judgment. Dkt. 12. One month later, the clerk of the court issued a writ of execution. In early March, the United States Marshal attempted to serve Yarbrough at the property. Dkt. 13. The Marshal served Yarbrough's daughter, Yolanda Yarbrough, who informed the Marshal that Yarbrough had passed away roughly a week earlier. The United States Marshal filed the return of service that same day. *Id.*

On March 10, the court stayed the writ of execution and ordered the plaintiff to explain whether this matter must now be adjudicated in a state probate court. Dkt. 14. The plaintiff briefed the court and answered that a probate court should

adjudicate this case. Dkt. 16. The plaintiff thus asks that the court stay these proceedings pending the outcome in the probate court. The court agrees, stays this case, and orders it administratively closed. The plaintiff may move to reinstate and reopen the case once the state court proceedings are complete.

Signed on Galveston Island on the 28th day of June, 2021.



JEFFREY VINCENT BROWN
UNITED STATES DISTRICT JUDGE